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REPLY UNDER 37 C.F.R. § 1.116 – EXPEDITED PROCEDURE
EXAMINING GROUP 1646

VIA HAND DELIVERY APRIL 19, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **COLEMAN et al.**

Application No.: 08/972,301

Art Unit: 1646

Filed: November 18, 1997

Examiner: Kemmerer, E.

For: **Endothelial Monocyte Activating
Polypeptide III**

Attorney Docket No.: PF206D1

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action mailed February 18, 2004, Applicants respectfully request entry and consideration of the following remarks. A Fee Transmittal Sheet is submitted concurrently herewith. Applicants note that the instant response is being timely filed within two months of the mailing date of the final rejection under MPEP § 714.13, as April 18, 2004 was a Sunday. See 35 U.S.C. § 21.

Please amend that application as follows:

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~~144.~~ (previously presented) The protein of claim ~~143~~ which comprises amino acid sequence (a).

~~145.~~ (previously presented) The protein of claim ~~143~~ which comprises amino acid sequence (b).

~~146.~~ (previously presented) The protein of claim ~~143~~ which comprises amino acid sequence (c).

~~147.~~ (previously presented) The isolated protein of claim ~~143~~ wherein the amino acid sequence further comprises a heterologous polypeptide.

~~148.~~ (previously presented) The protein of claim ~~143~~ wherein said isolated protein is glycosylated.

~~149.~~ (previously presented) The protein of claim ~~143~~ wherein said isolated protein is fused to polyethylene glycol.

~~150.~~ (previously presented) A protein produced by a method comprising:

- (a) expressing the protein of claim ~~143~~ by a cell; and
- (b) recovering the protein.

~~151.~~ (previously presented) A composition comprising the isolated protein of claim ~~143~~ and a pharmaceutically acceptable carrier.

152-203. (canceled)

~~204.~~ (previously presented) A substantially purified polypeptide comprising the amino acid sequence of SEQ ID NO:2.

205. (canceled)

~~206.~~ (previously presented) A pharmaceutical composition comprising the amino acid sequence of SEQ ID NO:2 and a pharmaceutically acceptable excipient.

~~207~~. (previously presented) The isolated protein of claim ~~137~~ wherein said protein consists of amino acid residues 1 to 168 of SEQ ID NO:2.

~~208~~. (previously presented) The isolated protein of claim ~~143~~⁷ wherein said protein consists of an amino acid sequence of the mature polypeptide encoded by the cDNA in ATCC Deposit No. 97165.